

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

KENNETH JACK WARGI,)
)
 Claimant,)
)
 v.)
)
 RENT X INDUSTRIES, dba HSS RENT-X,)
)
 Employer,)
)
 and)
)
 PACIFIC EMPLOYERS INSURANCE)
 COMPANY,)
)
 Surety,)
)
 Defendants.)
 _____)

IC 03-011416

ORDER

Filed December 23, 2004

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusion of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant's claim is barred pursuant to Idaho Code § 72-701 and his Complaint is dismissed with prejudice.

2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __23rd__ day of __December____, 2004.

INDUSTRIAL COMMISSION

____/s/_____
R.D. Maynard, Chairman

____/s/_____
Thomas E. Limbaugh, Commissioner

____/s/_____
James F. Kile, Commissioner

ATTEST:

____/s/_____
Legal Associate

CERTIFICATE OF SERVICE

I hereby certify that on the __23rd__ day of __December____, 2004, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

KENNETH JACK WARGI
2838 FAIRWAY PL
COEUR D'ALENE ID 83815

ANDREW J WALDERA
PO BOX 829
BOISE ID 83701

____/s/_____

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